



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

JOHN D. CHERRY, JR.  
LT. GOVERNOR

August 14, 2008

**VIA MAIL AND FACSIMILE**

Sharon McPhail (P26922)  
General Counsel, City of Detroit  
Coleman A. Young Municipal Center  
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Detroit City Council  
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Detroit, MI 48226

**Re: *In the Matter of the Request for the Removal of Kwame M.  
Kilpatrick from the Office of Mayor of the City of Detroit, No.  
EO-2008-004-LO***

Dear Counsel:

The Governor has asked that I respond to a portion of Counsel McPhail's letter to me dated August 13, 2008. In that letter, Ms. McPhail discusses a pardon, writing the following:

In fact, as Governor, she is authorized to issue a pardon, which would be the equivalent of state immunity on the charges filed by the Prosecutor. Thus, she could inquire of the Prosecutor as to the immunity issue or, alternatively, she could issue a pardon, thus clearing the way for the Mayor to testify on September 3rd at the Governor's hearing.

The People of the State of Michigan have entrusted the Governor with authority to issue pardons for criminal offenses under Const 1963, art 5, § 14, but

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the plain language of this constitutional provision authorizes a pardon only *after* a conviction in court. See also, *People v Marsh*, 125 Mich 410; 84 NW 472 (1900).

Accordingly, because Ms. McPhail's client, the Respondent in this matter, has been charged in other fora with several crimes but has not been convicted, the Governor has no authority to issue a pardon in this matter. The Governor also indicates that she does not believe the charges or circumstances here merit the use of the pardon power.

Sincerely,

A handwritten signature in cursive script, reading "Kelly Keenan".

Kelly G. Keenan

Legal Counsel to the Governor

c: Governor Jennifer M. Granholm